

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

IN RE:

EMPIRE TOWERS CORPORATION

Debtor.

*
* **CASE NO. 10-34611-JS**
* **(Chapter 7)**
*

JOSEPH J. BELLINGER, TRUSTEE

Plaintiff

*
* **Adversary No. 12-00704**
*

v.

**SANDY SPRING BANK
AS SUCCESSOR IN INTEREST TO
COMMERCE FIRST BANK**

and

EMPIRE CORPORATION

Defendants

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TRUSTEE'S RULE 26(f) PRETRIAL STATEMENT

Joseph J. Bellinger, the Chapter 7 Trustee for the Bankruptcy Estate of Empire Towers Corporation (the “Plaintiff”), pursuant to Bankruptcy Rule 7026 and Federal Rule of Civil Procedure 26 and by James Hoffman, Esq. and Sebastian Forques, Esq., submits the following Pretrial Statement:

1. The Parties have initiated settlement discussions at this time.
2. No changes are necessary in the timing, form, or requirement for disclosure under Federal Rule of Civil Procedure 26(a). Such disclosures can be exchanged by the parties within twenty (20) days of entry of a Scheduling Order by this Court.

3. Discovery can be completed within one-hundred and twenty (120) days of entry of a Scheduling Order by this Court. Discovery will be taken on the allegations contained in the Complaint or facts likely to lead to other admissible evidence.

4. The Parties anticipate engaging in discovery shortly. However, the Plaintiff will seek numerous documents from third-party financial institutions, which serves in part as the basis for the Trustee's extended discovery deadline request.

5. Dispositive pre-trial motions, if any, shall be submitted no later than 60 days before trial.

6. The Plaintiff anticipates that the trial should not exceed one (1) day.

7. The Plaintiff respectfully requests that in the absence of any opposition hereto, the Court enter a Scheduling Order reflecting the deadlines set herein and for such other and further relief as is just and proper.

Date: December 4, 2012

Respectfully submitted

Offit | Kurman, P.A.

/s/ James M. Hoffman, Esquire

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Sebastian Forgues, Esquire (Bar #17946)
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*Attorney for Plaintiff, Joseph J. Bellinger,
Chapter 7 Trustee*

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December, 2012, a copy of the foregoing Pretrial Statement was mailed via first class U.S. Mail, postage prepaid, to the following:

Empire Corporation
7310 Ritchie Highway
Azar Annex Suite 117A
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Pro Se Defendant

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*Counsel to Defendant Sandy Spring Bank As
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Chapter 7 Trustee

Office of the United States Trustee
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Baltimore, MD 21201

/s/ James M. Hoffman, Esquire
James M. Hoffman, Esquire